

OLC RECORD COPY

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OLC 78-0487/34

27 September 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Civil Service Conference Developments

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1. The undersigned, accompanied by [ ] of OGC, attended a 26 September 1978 conference session on the Civil Service Reform legislation. The meeting was held in 3302 Dirksen, lasting from 10:30-12:00.
2. Several outstanding conflicts between the House and Senate versions of the bill, none of which affect this Agency, were rectified.
3. Senator Charles Percy (R., Ill.) fought vigorously for further exemptions for the FBI, citing CIA and NSA's omnibus exemptions as reason for FBI exclusion. Representatives Morris K. Udall (D., Ariz.) and Edward Derwinski (R., Ill.) repulsed Senator Percy, for the time being, by carefully explaining the difference between CIA and FBI vis-a-vis CIA's historical exception from the General Schedule. It is apparent, however, that the House will recede in part, granting the FBI some form of limited exemptions, in order to appease Senator Percy.
4. The Drug Enforcement Agency (DEA) fared less well as conferees agreed to remove their exemptions from the bill's several provisions, thereby including them totally in Civil Service Reform.
5. The conference unexpectedly recessed early due to a large number of roll call votes on both the House and Senate floor. They will again convene at 10:00 on 27 September.
6. In order to ensure that the conference accepted CIA's several remaining technical amendments and keep in the final act our earlier secured exemptions the undersigned and [ ] met individually with and explained anew our

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portions to the following players:

Mr. Simon Lazarus, Chief of White House Civil Service Working Group

Mr. Steven Simmons, White House Civil Service Working Group

Mr. Patrick Swygert, Civil Service Commission General Counsel

Mr. Jule Sugarman, Vice Chairman, Civil Service Commission

Mr. William Bacchus, Department of State

Mr. David Minton, House Post Office and Civil Service Committee General Counsel

Ms. Jennifer Fein, Representative Morris K. Udall's staffer

Mr. Paul Rosenthal, Counsel, Senate Governmental Affairs Committee

7. Mr. Minton informed us that he and Mr. Swygert, at our request, had reviewed our suggestion re retention of section 2304 of the House bill and agreed that it must remain in the final Act. Section 2304 mandates that any other items in other provisions of the reform bill do not contravene the authority given the DCI by virtue of statute. In effect, this exempts CIA from Title I Merit System Principles.

8. Mr. Swygert, who had earlier met with conference staff at our request, informed us that all but one of our tendered technical amendments would be accepted and that the one remaining item was still under discussion. That item deals with a word substitution and, although desirable, is far from essential to CIA.

9. OLC shall continue to monitor the conference session in order to ensure that we are able to meet immediately any surprises that might occur as well as seeing to it that our present exemptions remain intact.

**SIGNED**

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Assistant Legislative Counsel

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